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November 8, 2023

Via ECF

Hon. Brian R. Martinotti
Magistrate Judge Leda D. Wettre
United States District Court
District of New Jersey
50 Walnut Street
Room PO 01
Newark, NJ 07102

Re: *State of New Jersey v. U.S. Dep't of Transportation et al.*, No. 2:23-cv-03885

Dear Judge Martinotti:

Regarding the above-captioned case, the parties have met and conferred, and jointly request that the Court approve a waiver of the requirement in Local Rule 56.1(a) for a separate “Statement of Material Facts Not in Dispute” to accompany each party’s cross-motion for summary judgment. Under the judicial review provisions of the Administrative Procedure Act (5 U.S.C. § 701 et. seq.) which apply to this case, the evidence before the Court for these motions is typically contained in the administrative record and the facts in those records, and the parties agree that Local Rule 56(1)(a) does not apply. At the close of briefing, the parties plan to prepare and file a joint appendix containing those documents from the record that are cited in their briefs.

As always, we thank the Court for its consideration.

Respectfully,

/s/ Randy M. Mastro
Randy M. Mastro

cc: All counsel of record (via ECF)